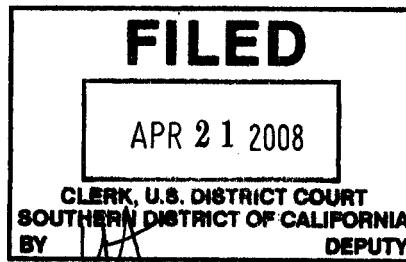


SIRI SHETTY
 California State Bar No. 208812
 110 West "C" Street #1810
 San Diego, California 92101
 Telephone: (619) 602-8479
 ___Retained XAppointed



UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

PRESIDING JUDGE Marilyn L. Huff

COURT REPORTER N. Cablay

UNITED STATES OF AMERICA,
 (Appellant/Appellee) Plaintiff,

CRIMINAL NO. 07cr3342-H

v.

NOTICE OF APPEAL

JOAQUIN BARRAGAN

(Appellant/Appellee) Defendant.

Notice is hereby given that **Joaquin Barragan**, defendant above-named, hereby appeals to the United States Court of Appeals for the Ninth Circuit from the (check one)

() Final Judgment (FED. R. Crim. P. 32(d))

(X) Sentence Only (18 U.S.C. § 3742) Sentence Imposed 46 months

() Order (describe) _____

entered in this proceeding on the 15th day of April, 2008.

If government appeal:

Was the filing of this appeal approved in accordance with 18 U.S.C. § 3742(b)(4)? ___YES ___NO

DATED: April 21, 2008

Siri Shetty
 SIRI SHETTY for Defendant-Appellant, **Joaquin Barragan**

Transcripts Required** X YES ___NO Date Ordered/to be Ordered 5/1/08

Date (X) Indictment () Information Filed December 12, 2007

Bail Status In custody

Will there be a request to expedite the appeal and set a schedule faster than that normally set? ___YES XNO

(Note: This does not alleviate requirement of filing a motion to expedite which must be done in accordance with FRAP 27.

*Pursuant to Fed. R. Crim. P. 32(d) the defendant may request the clerk to prepare and file the Notice of Appeal.

**If transcript required, transcript order form (CA9-036) must be completed and court reporter contacted to make arrangements for transcription.

AO 245B (Rev. 9/00) Judgment in a Criminal Case
Sheet 1

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 APR 15 PM 1:44
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

JOAQUIN BARRAGAN (I)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

DEPUTY

Case Number: 07CR3342- H

Siri Shetty

Defendant's Attorney

REGISTRATION NO. 05195-298

☐

THE DEFENDANT:

☒ pleaded guilty to count(s) ONE OF INDICTMENT.☐ was found guilty on count(s)

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

Title & Section	Nature of Offense	Count Number(s)
8 USC 1326 (a) and (b)	ATTEMPTED ENTRY AFTER DEPORTATION	1

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)☐ Count(s) _____is ☐ are ☐ dismissed on the motion of the United States.☒ Assessment: \$100. ordered waived☒ Fine waived☐ Property forfeited pursuant to order filed _____, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

April 14, 2008

Date of Imposition of Sentence


HON. MARILYN L. HUFF
UNITED STATES DISTRICT JUDGE

Entered Date:

4/14/2008

07CR3342- H

AO 245B (Rev. 9/00) Judgment in Criminal Case
Sheet 2 — Imprisonment

Judgment — Page 2 of 4

DEFENDANT: JOAQUIN BARRAGAN (1)
CASE NUMBER: 07CR3342- H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of FORTY-SIX MONTHS.

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____
as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

07CR3342- H

DEFENDANT: JOAQUIN BARRAGAN (1)
CASE NUMBER: 07CR3342- H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:
THREE YEARS.

MANDATORY CONDITIONS

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess a controlled substance.

The defendant shall cooperate as directed in the collection of a DNA sample, pursuant to 18 USC 3583(d).

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 9/00) Judgment in a Criminal Case
Sheet 3 — Continued 2 — Supervised Release

Judgment—Page 4 of 4

DEFENDANT: JOAQUIN BARRAGAN (I)
CASE NUMBER: 07CR3342- H

SPECIAL CONDITIONS OF SUPERVISION

- ☐ Not possess any firearm, explosive device or other dangerous weapon.
- ☒ Submit to a search of person, property, residence, abode or vehicle, at a reasonable time and in a reasonable manner, by the probation officer.
- ☐ The defendant shall violate no laws, federal, state and local, minor traffic excepted.
- ☒ If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer within 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion, or voluntary departure.
- ☐ Not transport, harbor, or assist undocumented aliens.
- ☐ Not associate with undocumented aliens or alien smugglers.
- ☐ Not reenter the United States illegally.
- ☐ Not enter or reside in the Republic of Mexico without written permission of the Probation Officer.
- ☐ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☐ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☐ Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- ☐ Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- ☐ Participate in a mental health treatment program as directed by the probation office.
- ☐ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☐ Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- ☐ Seek and maintain full- time employment, full-time scholastic program, or a combination of both.
- ☐ If permitted to reside in the United States legally, resolve all outstanding warrants within 60 days.
- ☐ Complete _____ hours of community service in a program approved by the probation officer within _____
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of _____
- ☐ Complete an out-patient drug treatment program as directed and approved by the probation officer.
- ☐ Remain in your place of residence for a period of _____, except while working at verifiable employment, attending religious services or undergoing medical treatment.
- ☐ Not engage in any form of telemarketing, as defined in 18 USC 2325, without the written permission of the probation officer.
- ☐ Comply with the conditions of the Home Confinement Program for a period of _____ months and remain at your residence except for activities or employment as approved by the court or probation officer. Wear an electronic monitoring device and follow procedures specified by the probation officer. Pay the total cost of electronic monitoring services, or a portion if deemed appropriate by the probation officer.
- ☐ Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.

07CR3342- H

MIME-Version:1.0
From:efile_information@casd.uscourts.gov
To:casd.uscourts.gov
Bcc:attyshetty@yahoo.com, Dale.Blankenship@usdoj.gov,
Jacquelyn.Mason2@usdoj.gov, efile.dkt.gc1@usdoj.gov,
efile_Huff@casd.uscourts.gov
Message-Id:<2534556@casd.uscourts.gov>
Subject:Activity in Case 3:07-cr-03342-H USA v. Barragan Plea Entered
Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 4/14/2008 at 10:17 AM PDT and filed on 4/14/2008

Case Name: USA v. Barragan

Case Number: 3:07-cr-3342

Filer:

Document Number: 15(No document attached)

Docket Text:

Minute Entry for proceedings held before Judge Marilyn L. Huff: Court accepts plea tendered before the Magistrate Judge. Plea entered by Joaquin Barragan (1) Guilty Count 1. P/O Report and Sentencing held on 4/14/2008 for Joaquin Barragan (1), Count 1: Custody of the Bureau of Prisons for a term of 46 months. Supervised Release for a term of 3 years. Fine waived. Assessment \$100 waived. (Court Reporter Nancy Cablay). (Plaintiff Attorney Arnold Dale Blankenship). (Defendant Attorney Siri Shetty). (tlm)

3:07-cr-3342-1 Notice has been electronically mailed to:

MIME-Version:1.0
From:efile_information@casd.uscourts.gov
To:casd.uscourts.gov
Bcc:Efile.dkt.gc2@usdoj.gov, attyshetty@yahoo.com,
efile_Huff@casd.uscourts.gov
Message-Id:<2322986@casd.uscourts.gov>
Subject:Activity in Case 3:07-cr-03342-H USA v. Barragan Arraignment
Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 12/14/2007 at 4:35 PM PST and filed on 12/13/2007

Case Name: USA v. Barragan

Case Number: 3:07-cr-3342

Filer:

Document Number: 3(No document attached)

Docket Text:

Minute Entry for proceedings held before Judge Ruben B. Brooks :Arraignment as to Barragan (1) Count 1 held on 12/13/2007 Not Guilty plea entered, Initial Appearance as to Barragan held on 12/13/2007, Added attorney Siri Shetty for Barragan., Bond set as to Barragan (1) \$25,000 C/CS Motion Hearing/Trial Setting set for 1/28/2008 02:00 PM before Judge Marilyn L. Huff. (Tape #RBB07-1:933-936,947-950).(US Attorney Lauren Barefoot).(Defendant Attorney Erik Guzman). (vtl)

3:07-cr-3342-1 Notice has been electronically mailed to:

U S Attorney CR Efile.dkt.gc2@usdoj.gov

Siri Shetty attyshetty@yahoo.com

3:07-cr-3342-1 Notice has been delivered by other means to:

Notice of Appeal Notification Form

To: Clerk, U.S. Court of Appeals
From: U.S. District Court, Southern District of California
Subject: New Appeals Case Information & Docket Fee Notification

Date: 04/22/08

Case Information

Case Title: United States of America v. Joaquin Barragan

U.S.D.C. No.: 07cr3342 H

U.S.D.C. Judge: Marilyn L. Huff

Complaint/Indictment/Petition Filed: Indictment

Appealed Order Entered: 4/16/2008

Notice of Appeal Filed: 4/21/2008

Court Reporter: Nancy Cablay

COA Status: ☐ Granted in full/part (appeal only)

☐ Denied (send clerk's file)

Docket Fee Notification

Docket Fee: ☐ Paid

☐ Not Paid

☒ No Fee Required

USA/GOVT. APPEAL: ☐ Yes ☒ No

Date F/P granted (Show Date and Attach Copy of Order): _____

Was F/P Status Revoked? ☐ Yes ☐ No

Companion Case(s): (Please list consolidated cases, if applicable) _____

Counsel Information

Appellant Counsel:

Siri Shetty
Law Office of Siri Shetty

110 West C Street
Suite 1810
San Diego, CA 92101

(619) 602-8479

Appellee Counsel:

Arnold Dale Blankenship
US Attorneys Office, Southern District of CA

880 Front Street
Room 6293
San Diego, CA 92101

(619) 557-5610

Counsel Status: ☐ Retained

☒ Appointed

☐ Pro Se

Appointed by: Ruben B. Brooks
(Attach copy of order/minutes)

Defendant Information

Prisoner ID Number: 05195-298

Bail: _____

Custody: x **SERVICE LIST**

Counsel for Appellant(s) and Appellee(s), as listed on the previous page, have been sent copies of the following items:

x	Transmittal of U.S.C.A. (Appellant and Appellee)
x	Case Information/Docketing Fee Notification Form. (Appellant Only)
x	Notice of Appeal. (Appellant, Appellee, U.S. District Judge, USPO, and Court Reporter)
x	Docket Entries (Appellant and Appellee)
x	Designation of Reporter's Transcript and Ordering Form. (Appellant Only, mailed separately)
x	Order for Time Schedule. (Criminal Only) (Appellant, Appellee, and Court Reporter)
	Magistrate Judge's Report and Recommendation
	COA Order
	F/P Order
	Minute Order
x	Other: Judgment entered 4/16/2008, NEF Sentencing Minutes entered 4/14/2008, NEF Minutes Appointing Counsel entered 12/14/2007

Form Completed And Documents Served By U.S. District Court Deputy Clerk:

Lauren Hammer

Deputy's Name

L. Hammer

Deputy's Signature

UNITED STATES DISTRICT COURT

Southern District Of California
 Office Of The Clerk
 880 Front Street, Room 4290
 San Diego, California 92101-8900
 Phone: (619) 557-5600
 Fax: (619) 702-9900

W. Samuel Hamrick, Jr.
 Clerk of Court

To: Clerk, U.S. Court of Appeals
 P.O. Box 193939
 San Francisco, CA 94119-3939

Re: **USCA No:**
USDC No: 07cr3342 H
USA v. Barragan

Clerk, U.S. Court of Appeals, enclosed herewith you will please find:

x	Copy of the Notice of Appeal	x	Docket Entries
x	Case Information/Docket Fee Payment Notification Form		
x	Order for Time Schedule (Criminal)		
	Original Clerk's Record in	set(s) of	volume(s).
	Reporter's transcript's transcripts in	set(s) of	volume(s).
	Exhibits in	envelope(s)	box(es) folders(s)
x	Judgement Order		F/P Order
	CJA Form 20		Minute Order
	Certificate of Record		Mandate Return
	Magistrate Judge's Report and Recommendation		
	COA Order		
	Amended docket fee notification form		
	Order Appointing Counsel for Appeal		
x	NEF Sentencing Minutes entered 4/14/08, NEF Minutes Appointing Counsel entered 12/14/07		
x	Please acknowledge on the enclosed copy of this transmittal		

Sincerely yours,

W. Samuel Hamrick, Jr.
 Clerk of Court

By: **L. Hammer**
 Lauren Hammer, Deputy

Date: 04/22/08